

## REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

The applicant would like to thank Examiner Devon Kramer for the courtesies extended to applicant's representative during a personal interview. Applicant would also like to thank the Examiner for the early indication of allowable subject matter made during the interview.

The applicant would like to remind the Examiner of a typographical error discussed during the interview. The cover page of the Office Action indicates an Application Number of 10/ 730,283 and an Attorney Docket Number of 48-1007. However, the Detailed Action indicates that the Office Action is directed to Application Number 10/ 730,284 and the substance of the Office Action is clearly directed to the '284 application. Applicant believes that the outstanding Office Action is directed to the '284 application (Attorney Docket Number 48-1006) and the Examiner agreed during the interview that the Application Number indicated in the Detailed Action was correct.

The specification has been amended to update the bibliographic information of the related and co-owned application, U.S. patent application number 10/ 730,282. Applicant believes that this amendment overcomes the Examiner's objection to the specification.

Claim 20 was objected to because of an informality. Claim 20 has been amended by substituting the word "a" with the word "the" as suggested by the Examiner. Applicant believes that this amendment to claim 20 overcomes the objection.

Claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Martins (U.S. patent number 4,002,084).

Claims 6, 7, 9, 13-15 and 19-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Wantanabe (U.S. patent number 4,719,984) with further clarification by Wilcox (U.S. patent number 5,590,998), and claims 10-12 and 16 were rejected under

35 U.S.C. §103(a) as being unpatentable over Wantanabe in view of Martins (U.S. patent number 4,002,084).

During the interview, the Examiner and applicant's representative discussed proposed claim limitations to each of the independent claims, claims 1, 6 and 13. During the interview, the Examiner agreed that the proposed claim limitations would render each of the independent claims allowable over the prior art. These features and limitations are generally noted in the Examiner's Interview Summary.

The Examiner indicated that if the claims were amended in a manner consistent with the subject matter discussed during the interview, all of the independent claims would be allowable over the prior art. Applicant has amended the independent claims to include the limitations discussed during the interview.

Specifically, claim 1 has been amended to recite the relationship between the planes of rotation of a brake arm and a rocker arm. Claim 1 now recites that the plane of rotation of the brake arm is angled from the rocker arm. Martins clearly fails to teach this feature. Martins discloses a series of components in a brake linkage. However, the Martins components all rotate in parallel planes. See Martins, Figures 2 and 3. Note especially, brake pedal lever 18A and lever 34 (referred to as a "rocker arm" by the Examiner) are both part of a brake linkage that only includes pivoting links. This construction requires that brake pedal lever 18A and lever 34 rotate in parallel planes. Thus, because brake pedal lever 18A and lever 34 must rotate in parallel planes, it is not possible for brake pedal lever 18A and lever 34 to rotate in planes that are angled with respect to each other, as required by amended claim 1. The prior art also fails to provide a legally sufficient motivation to modify the Martins device to render claim 1 obvious.

Claim 6 has been amended to clarify the positions of the brake pedal and the brake caliper. Amended claim 6 now recites that "the brake pedal is on one side lateral of the motorcycle and wherein the caliper is on the other lateral side of the motorcycle." The Examiner rejected original claim 7, a claim similar to amended claim 6. In rejecting

original claim 7, the Examiner stated that one "side" could be the underside of the motorcycle. Amended claim 6 now recites "lateral" sides of a motorcycle to avoid confusion with the underside. Amended claim 6 is not taught or rendered obvious by the prior art.

Watanabe states that an important design feature of his vehicle braking system is the practice of placing the disk brake assembly as close as possible to the brake pedal. Watanabe asserts that this arrangement helps to simplify the mechanism for actuating the brake. See Watanabe, column 4, lines 41-45. In contrast, the present invention places the disk brake on the opposite side of the motorcycle as the brake pedal to facilitate drive train components and to provide balance. Because the brake pedal and the caliper are not placed as close as possible, and in contrast, are disposed on opposite sides of the motorcycle, Watanabe does not render amended claim 6 obvious. In fact, Watanabe actually teaches away from the arrangement recited in claim 6.

Claim 13 has been amended to recite the relationship between a seat and the rear wheel. Amended claim 13 now recites "a seat of the motorcycle is longitudinally aligned with the rear wheel." Watanabe generally teaches a four wheel off road vehicle. Because of the wheel layout of the Watanabe vehicle, the two rear wheels 21 are disposed laterally outward of seat 24. See Figure 2 and 3 of Watanabe. This four wheel layout prevents a rear wheel from being aligned with a seat and Watanabe fails to teach or render obvious this limitation.

Because all of the independent claims 1, 6 and 13 are allowable, and because all of the dependent claims 2-5, 7-12 and 14-20 include all of the limitations of the allowable independent claims, all of the dependent claims are allowable for the same reasons as their respective independent claims.

In view of the foregoing, all of the pending claims in this application are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for

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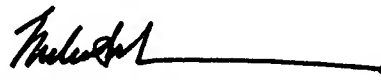
allowance, the Examiner is encouraged to contact applicant's representative at the number listed below.

Respectfully submitted,

PLUMSEA LAW GROUP, LLC

Dated: December 1, 2004

By:



Michael S. Lee

Registration Number: 41,434

Telephone number: 301-365-9040